UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/CN.4/1997/17
30 December 1996

ENGLISH
Original: ENGLISH/FRENCH

COMMISSION ON HUMAN RIGHTS
Fifty-third session
Item 5 of the provisional agenda

QUESTION OF THE REALIZATION IN ALL COUNTRIES OF THE ECONOMIC, SOCIAL AND CULTURAL RIGHTS CONTAINED IN THE UNIVERSAL DECLARATION OF HUMAN RIGHTS AND IN THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS, AND STUDY OF SPECIAL PROBLEMS WHICH THE DEVELOPING COUNTRIES FACE IN THEIR EFFORTS TO ACHIEVE THESE HUMAN RIGHTS

Report of the Secretary-General pursuant to Commission on Human Rights resolution 1996/12

Introduction

1. At its fifty-second session, the Commission on Human Rights, in its resolution 1996/12, considered that, in order to find a durable solution to the debt crisis, there was a need for a political dialogue within the United Nations system between creditor and debtor countries, based on the principle of shared responsibility. Furthermore, the Commission requested, inter alia, the Secretary-General to continue the efforts to carry out this dialogue and to submit to the Commission at its fifty-third session, after a high-level consultation process with Governments, heads of multilateral financial institutions and specialized agencies, as well as with intergovernmental and non-governmental organizations, a report on the measures to be implemented in order to achieve a durable solution to the debt crisis of developing countries, so that they might fully enjoy all human rights.

2. In order to obtain the most recent information in this regard, the Secretary-General sent, on 10 October 1996, a note verbale to Governments and a letter to United Nations bodies, specialized agencies and intergovernmental and non-governmental organizations on 30 September 1996. As of 16 December 1996, the Governments of Croatia, Cuba, South Africa and Switzerland had sent replies. The Governments of Cuba and South Africa informed the Secretary-General that information on the measures to be implemented in order to achieve a durable solution to the debt crisis of

developing countries would be sent at a later stage. The International Monetary Fund, the International Confederation of Free Trade Unions and Pax Romana also sent replies.

3. Further information on the issue of external debt is contained in the report of the Working Group on the Right to Development on its fifth session (E/CN.4/1996/24), the report of the Intergovernmental Group of Experts on the Right to Development on its first session (E/CN.4/1997/22) and the second interim report on the question of impunity of perpetrators of human rights violations (E/CN.4/Sub.2/1996/15).

4. The present report also contains information on the consultations between the High Commissioner for Human Rights and the World Bank, held on 24 and 25 July 1996 in Washington, D.C., in compliance with Commission on Human Rights resolution 1996/12.

I. INFORMATION PROVIDED BY GOVERNMENTS

Croatia

[19 November 1996]
[Original: English]

1. In the opinion of the Government of Croatia, it is necessary to bring together creditor and debtor countries as well as multilateral financial institutions and specialized agencies forming a part of the United Nations system.

2. In regard to the possible impact of the foreign debt on the enjoyment of the right to development, the Government of Croatia is of the opinion that such debts, particularly if followed by obligation of payment of high interest rates, seriously impede the possibility of enjoyment of both economic and political development as mentioned in the Declaration on the Right to Development.

3. Furthermore, the Government of Croatia welcomes the recently expressed support of the World Bank and the Group of 24 in respect of the Initiative for Heavily Indebted Poor Countries (HIPC Initiative).

Switzerland

[12 November 1996]
[Original: French]

1. In 1991, on the occasion of the 700th anniversary of the Confederation, the Swiss Government submitted to parliament a bill under which Switzerland would contribute on the one hand to additional debt cancellation measures and on the other to political development measures. The bill covered specific measures to help alleviate the harmful social and ecological consequences of the economic crisis affecting many countries.

2. Subsequently, parliament approved the appropriation of two framework credits - one to finance debt-reduction measures on behalf of impoverished

developing countries and the other to finance programmes and projects on behalf of the global environment in the developing countries - worth a total of 700 million francs and lasting at least five years. The funds earmarked for debt-reduction measures (amounting to 400 million francs) will make it possible for Switzerland to strengthen debt-reduction measures in the recipient countries, to widen the circle of potential recipient countries and to support accompanying measures. In principle, contributions by Switzerland to debt-reduction are linked to the following five conditions:

(a) The country concerned must be a heavily indebted poor developing country; the measures must focus, in particular, on the least-developed countries (LDCs) and on countries where Switzerland is actively involved in cooperation for development;

(b) The recipient country must be engaged on a medium-term economic reform programme to restore confidence and to reduce the risk of a relapse once the debt has been reduced, and which encourages broad participation by the population in development;

(c) The country must possess a debt-management system including a broader relief and consolidation programme at various levels;

(d) The debt to be written off as a result of Switzerland's contribution and of similar contributions by other countries must be sufficiently large, particularly in the case of multilateral measures, for it to have a marked impact on the growth and development of the country concerned;

(e) In debt buy-back, debt-conversion and similar operations, private creditors must be involved in a way that requires them also to contribute an amount matching their exposure. The amount represents the real loss (in the form of discount) on the original loan.

3. In the 1990s, the implementation of this project, in conjunction with other measures, made it possible to cancel a total of 1.1 billion Swiss francs of guaranteed bilateral loans to the poor countries.

4. Switzerland is one of the major contributors to the World Bank's debt-reduction facility, which has made it possible to cancel almost 100 per cent of the commercial debt of the eligible countries. Switzerland also participates in international operations to fund the arrears and current obligations of the poorest countries towards the multilateral institutions.

5. Switzerland believes that the report prepared by the Secretary-General should also mention the Debt Initiative of the World Bank and IMF, the aim of which is sustainably to reduce the debt of the most indebted LDCs, and which should be operational in 1997. This initiative takes into consideration some of the concerns and objectives of resolution 1996/12.

II. INFORMATION PROVIDED BY THE OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS

1. In 1995, the High Commissioner for Human Rights established contacts with the World Bank which led to consultations between the two held in Washington, D.C., from 24 to 25 July 1996. The adoption by the High Commissioner of a comprehensive approach to human rights and the World Bank's focus on sustainable development, including assistance to human resources, governance and the rule of the law, have provided a substantive basis for cooperation. The purpose of the consultations was to explore, in the context of the programmes aimed at sustainable development, various aspects of reinforced cooperation with the World Bank as well as between the two institutions and other partners, including Governments, international organizations, expert bodies, etc. This objective has been fully achieved.

2. Both the High Commissioner, Mr. Ayala-Lasso, and the President of the World Bank, Mr. Wolfensohn, underscored the need for close cooperation and declared their determination to facilitate mutual contacts and to coordinate activities. The cooperation will have a strong foundation in the common objectives of the two institutions as parts of the United Nations and in shared advantages resulting from mutual support.

3. During the meeting statements were read by:

(a) Mr. Mark Malloch-Brown, Vice President, on "Partnership and policies: the World Bank, the United Nations and human rights";

(b) Mr. Ibrahim Shihata, Senior Vice President and General Counsel, on "Mandate and mission: the World Bank and human rights";

(c) Mr. José Ayala-Lasso, High Commissioner for Human Rights on "Mandate and mission: the United Nations system and human rights".

These statements were followed by three dialogues on "Assistance in human resources - The realization of the right to development and the realization of economic, social and cultural rights", "Post-conflict reconstruction", and "Civil society and participation - Institution-building and transition to democracy (governance and the rule of law)".

4. The meeting discussed a number of interesting points:

(a) The World Bank and the United Nations human rights programme are part of the same intergovernmental system; they share a common objective: the well-being of the individual. Whereas each sector of the United Nations has a distinct role to play under its respective mandate and terms of reference, there is a need to ensure consistency and complementarity in the efforts of each of these sectors;

(b) The programmes and policies of the United Nations human rights programme and those of the World Bank are focused on assistance to Member States and their societies, with a view to contributing to sustainable development, which includes respect for human rights;

(c) The consultations have shown that the World Bank, in particular in its programmes related to assistance to human resources (health protection, housing, employment, education, support for women and children, protection of indigenous people, governance and the rule of law), is largely active in the same areas as the United Nations human rights programme;

(d) The present activities of the World Bank and the United Nations human rights programme, their respective place in the United Nations system and the recommendations made by relevant world conferences, the General Assembly and the Commission on Human Rights provide a framework for advantageous cooperation between the two institutions, which should now be filled with substance in the form of practical steps;

(e) It was a clearly shared view that the responsible units of the World Bank and the United Nations human rights programme should enter into cooperation in the following areas:

(i) Exchange of information and cooperation in the preparation of country projects;

(ii) Exchange of expertise with regard to reconstruction and development assistance in the transition to democracy;

(iii) Cooperation of field offices;

(iv) Building national capacities for governance and the rule of law/promotion and protection of human rights (legislation, training, administration of justice, national institutions, institutions implementing social rights, etc.);

(v) Human rights education;

(vi) Cooperation in supporting the implementation of the Convention on the Rights of the Child, including support for the Committee on the Rights of the Child and further exploration of the possible support for the activities of the other human rights treaty based bodies.

5. The consultations were substantive and fruitful. The participation by the leadership and senior operative staff of the Bank in the consultations and the Bank's input at a high professional level proved the vivid interest of the Bank and the High Commissioner/Centre for Human Rights in learning more about each other's programmes and methods of work. They also offered a chance to analyse how the two institutions can work together, particularly in the field of the right to development.

III. INFORMATION PROVIDED BY SPECIALIZED AGENCIES

International Monetary Fund

[17 October 1996]
[Original: English]

1. At its meeting in April 1996, the IMF's Interim Committee requested the IMF, in conjunction with the World Bank and in close collaboration with all involved creditors and donors, to put forward specific proposals to address the problems of a limited number of Heavily Indebted Poor Countries (HIPCs) which followed sound policies, but for which existing debt relief mechanisms were inadequate to secure a sustainable external debt position over the medium term.

2. At a first stage, in order to implement the "Debt Initiative", Paris Club creditors would provide a flow rescheduling under Naples terms 1/ along with comparable action by other bilateral and commercial creditors.

3. Towards the end of the first stage, the IMF/World Bank would agree with the country authorities on an external debt sustainability analysis in consultation with other creditors. Based on this analysis, if strong policies and a Paris Club stock-of-debt operation on Naples terms are sufficient to put the country in a sustainable external debt position within three years, the country would request such an operation and would not be eligible for assistance under the Initiative. Alternatively, if the country's overall debt burden would not be sustainable within three years, it might be eligible for and may request additional support under the Initiative. In borderline cases, the country may request a further flow rescheduling under Naples terms.

4. At a second stage, for countries that are eligible for support under the Initiative, the Paris Club would, on a case-by-case basis, provide more concessional flow rescheduling than on Naples terms for eligible debt. A debt workout meeting co-chaired by the World Bank and the IMF and attended by representatives of the debtor country would agree on a financial plan and commit to additional assistance needed for the country to achieve debt sustainability within three years.

5. The Paris Club would provide, along with other bilateral and commercial creditors, on a case-by-case basis, deeper stock-of-debt reduction than on Naples terms for eligible debt. Multilateral institutions would take additional measures for the country to reach a sustainable debt situation.

1/ Concessional debt reduction terms for low-income countries approved by the Paris Club in December 1994 and applied on a case-by-case basis. Countries can receive a reduction of eligible external debt of up to 67 per cent in net present value (NPV) terms.

IV. INFORMATION PROVIDED BY NON-GOVERNMENTAL ORGANIZATIONS

International Confederation of Free Trade Unions

[19 November 1996]
[Original: English]

1. In ICFTU's opinion, the principal effect of debt and structural adjustment on human rights has been due to the need to reduce public spending in vital areas such as education and health. In addition, a range of services to benefit women in particular have been severely cut back as a part of structural adjustment programmes.

2. Furthermore, debt and structural adjustment have also compelled certain Governments to restrict trade union and other workers' rights in order to maximize their export earnings and in some cases have led Governments to amend labour legislation to reduce job security and weaken free trade unions.

Pax Romana

[13 November 1996]
[Original: French]

1. The solution to the external debt problem of the developing countries requires an international agreement to determine the major lines of action. This entails the need for a multilateral political dialogue in which debtor countries, creditor countries and international financial agencies participate on an equal footing, within the framework of an international conference or of the United Nations General Assembly itself.

2. The dialogue must:

(a) Observe the principle of shared responsibility among all participating States and international financial agencies;

(b) Strictly observe the principles of the sovereign equality and self-determination of peoples and of non-intervention in the domestic affairs of other States;

(c) Involve a commitment by the developed countries not to take any initiative that might directly or indirectly affect the social or economic development of the developing countries and consequently to recognize the right of each State freely to choose its social, economic and political system.

3. These principles have been corroborated by the Programme of Action of the 1995 Copenhagen World Summit for Social Development. The Naples terms adopted by the Paris Club in December 1994, represent a good strategy. Despite a 67-per cent reduction in debt service, many developing countries (in particular the low-income ones) remain deeply in debt, mainly to the multilateral financial agencies.

4. Pax Romana supports the following proposals, which were made by the Commission on Human Rights in its resolutions 1995/13 and 1996/12 and in UNCTAD's Trade and Development Report 1996:

(a) The sale of part of IMF's gold reserves in order to alleviate the debt burden without resorting to funds earmarked for development assistance;

(b) Debt-reduction measures in conjunction with measures to improve the international economic climate;

(c) The cancellation and/or reduction of part of the official debt and of its servicing;

(d) New flows of financial facilites to the debtor developing countries;

(e) More transparency in the activities of international financial institutions. To achieve this, Pax Romana advocates that the General Assembly and the Economic and Social Council should be periodically informed of the social impact of their policies on the enjoyment of social rights;

(f) Debt payments should not take precedence over the basic rights of the people of debtor countries;

(g) A fair and equitable multilateral trade system must be established, as well as regular access to environmental technology, while transnational activities must be regulated. Accordingly, Pax Romana wishes vigorously to endorse the study on the question of the impunity of perpetrators of violations of economic, social and cultural rights prepared by the expert Mr. Guissé, and urgently calls for his mandate to be renewed for one year to enable him to complete his study.

UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/CN.4/1997/18
9 December 1996

ENGLISH
Original: ARABIC and ENGLISH

COMMISSION ON HUMAN RIGHTS
Fifty-third session
Item 5 of the provisional agenda

QUESTION OF THE REALIZATION IN ALL COUNTRIES OF THE ECONOMIC, SOCIAL AND CULTURAL RIGHTS CONTAINED IN THE UNIVERSAL DECLARATION OF HUMAN RIGHTS AND IN THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS, AND STUDY OF SPECIAL PROBLEMS WHICH THE DEVELOPING COUNTRIES FACE IN THEIR EFFORTS TO ACHIEVE THESE HUMAN RIGHTS

Human rights and the environment

Report of the Secretary-General prepared in accordance with Commission resolution 1996/13

GE.96-14377 (E)

CONTENTS

		Page
Introduction		3
I.	COMMENTS RECEIVED FROM STATES	4
	A. Croatia	4
	B. Cyprus	4
	C. Sudan	5
	D. Philippines	5
	E. United Kingdom	6
II.	COMMENTS SUBMITTED BY UNITED NATIONS BODIES AND SPECIALIZED AGENCIES	6
	A. United Nations Conference on Trade and Development	6
	B. Economic Commission for Europe	7
	C. World Health Organization	7
III.	COMMENTS SUBMITTED BY A REGIONAL ORGANIZATION	8
	The League of Arab States	8
IV.	COMMENTS SUBMITTED BY A NON-GOVERNMENTAL ORGANIZATION	8
	Nigerian Environment Network	8

Introduction

1. At its fifty-second session, the Commission on Human Rights adopted resolution 1996/13 in which it requested the Secretary-General to renew his request for the opinions of Governments, specialized agencies and intergovernmental and non-governmental organizations on the issues raised in the final report of the Special Rapporteur on human rights and the environment of the Sub-Commission on Prevention of Discrimination and Protection of Minorities (E/CN.4/Sub.2/1994/9 and Corr.1).

2. In accordance with that request, the Secretary-General addressed a note verbale to Governments and a letter to specialized agencies and intergovernmental and non-governmental organizations on 26 June 1996 asking them for their comments and observations.

3. As of 30 September 1966, replies had been received from the Governments of the following countries: Croatia, Cyprus, Sudan, United Kingdom of Great Britain and Northern Ireland. Substantive replies had also been received from the following United Nations bodies and specialized agencies: United Nations Conference on Trade and Development, Economic Commission for Europe, World Health Organization. Information relating to various environmental problems was also submitted by a regional organization, the League of Arab States, and a non-governmental organization, the Nigerian Environment Network.

4. Most of the material contained in the replies was information of a general nature and is therefore not summarized in this report. States' replies focused on the relevant national legislation and measures adopted to address environmental problems. The Council of Europe and the Organization for Security and Cooperation in Europe provided a general framework for their activities in environmental protection and related activities. A special emphasis was placed by the Council of Europe on recommendation 1284 (1996) of the Parliamentary Assembly of the Council on European environment policy (1994-1995).

5. The Department of Humanitarian Affairs, the Department for Economic and Social Information and Policy Analysis, the United Nations Office at Vienna, the World Food Programme, the United Nations Educational, Scientific and Cultural Organization, the Food and Agriculture Organization of the United Nations, the International Monetary Fund, the Universal Postal Union, the United Nations Industrial Development Organization, the Organization for Economic Cooperation and Development, the Organization of American States, the International Association of Lions Clubs and the Association of Commonwealth Universities indicated that they were not in a position to express any views on the points raised in the report of the Special Rapporteur. It should be recalled, however, that a number of these organizations had already submitted their comments in 1995 and had no additional comments.

6. The present report thus contains a summary of the substantive replies received, with a view to facilitating the deliberations of the Commission on Human Rights. Any further replies will be included in an addendum to this document.

I. COMMENTS RECEIVED FROM STATES

A. Croatia

[25 September 1996]
[Original: English]

1. The information received from the Republic of Croatia concerns mainly annex III of the Special Rapporteur's report entitled "Developments in national legislation and practices". Reference was made to: (a) the Constitution of the Republic of Croatia (art. 3) which proclaims the protection of nature and environment as the fundamental values of the constitutional order; (b) the Declaration on the Protection of the Environment which proclaims Croatia's commitment to the achievement of sustainable development in accordance with the concept and the standards set by the international community; (c) the Law on the Protection of the Environment which regulates in more detail the implementation of the common platform for environmental protection as inspired by the provision of the Constitution and the aforementioned Declaration. Article 18 of the said Law calls for the adoption of the National Strategy for the Protection of the Environment which is still in the process of drafting by the State Division for the Protection of the Environment, the governmental body with the main competence in this field.

2. With regard to individuals in the process of environmental protection, in its article 69, the Constitution of Croatia provides for the right for every person to a healthy life and environment. It also stresses the obligation of all citizens and of public or private bodies to undertake measures of considerable care for the protection of the environment.

3. Finally, environmental protection is a subject of the rules of criminal law. Article 162 of the Criminal Act provides for the penalization of the criminal offence of pollution of the human environment, which raises the issue of responsibility of individuals acting both in their private and their official capacity. The offence is punishable by three to five years' imprisonment.

B. Cyprus

[4 September 1996]
[Original: English]

1. The Government of Cyprus expressed its views through the statement presented by the Director of Environment Service at the Ministry of Agriculture, Natural Resources and Environment in Cyprus, during the international seminar on the contribution of the Organization for Security and Cooperation in Europe to the security of smaller States held in Nicosia on 15 and 16 January 1996.

2. The Charter of the United Nations and several international instruments recognized development and the protection of the environment as interdependent

and indivisible and have given rise to the concept of sustainable development. The latter cannot be realized without the protection of the environment. Environment and fundamental human rights are also indivisible.

3. Cyprus is a case study of what can happen when people are separated from their land and resources. Environmental damage and changes in the demographic structure and to the political, cultural, religious and other characteristics of the occupied part of the country have had direct effects on the enjoyment of practically all human rights by the people evicted from their land and resources.

4. All definitions of sustainable development encompass intergenerational responsibility which implies international responsibility and cooperation for the protection of the environment, to which all countries have already committed themselves.

C. Sudan

[3 October 1996]
[Original: Arabic]

1. Under the fourth Constitutional Decree of 1994 and the subsequent twelfth Constitutional Decree of 1995, powers in regard to protection of the environment and natural resources are exercised jointly by the federal and the provincial government agencies. A provision, incorporated in the Constitution, recognizing the rights of citizens to a healthy environment has been included in the comprehensive National Strategy, which also reflects the concern for sustained development in order to combat poverty and safeguard resources in such a way as to guarantee the rights of all future generations.

2. Efforts are currently under way to update the sectoral legislation and to promulgate a Comprehensive Environmental Act. Sectoral legislation governing the use of resources in the Sudan includes the following: legislation to safeguard the right to the agricultural environment; legislation to protect livestock; legislation designed to provide a healthy and safe environment; legislation regulating land use; legislation which guarantees the right of citizens to organize themselves in the form of associations concerned with the environment. In addition, the Higher Council for the Environment and Natural Resources is endeavouring to monitor the implementation of the international environmental agreements to which the Sudan is a party.

D. Philippines

[15 November 1996]
[Original: English]

1. The Government of the Philippines requested the inclusion of the following provisions of the Philippines Constitution in annex III of the Special Rapporteur's report. The 1987 Constitution provides that the "State shall protect and advance the people's right to a balanced and healthful ecology". It "recognizes and promotes the rights of indigenous cultural communities" (art. II, sects. 16 and 20). Equitable distribution of

opportunities, income and wealth are the aims of the national economy with a view to ensuring the raising of the quality of life for all, in particular the underprivileged. Thus, the State shall endeavour to promote industrialization and full employment as well as full and efficient use of human and natural resources. It shall also protect the rights of the indigenous cultural communities to their ancestral lands, and their economic, social and cultural well-being (art. XII, sects. 1 and 5).

2. In its comments on resolution 1996/13, the Government of the Philippines expressed the view that there is a need to identify or provide mechanisms to monitor and assess the implementation of human rights and environmental concerns.

E. United Kingdom of Great Britain and Northern Ireland

[28 October 1996]
[Original: English]

While stressing its role as an activist for international action to protect the environment and to promote sustainable development, the Government of the United Kingdom indicated that it does not believe that the Commission on Human Rights is the right forum for debate in this area since it does not have the necessary expertise to promote meaningful measures to ensure environment protection. International action could take place through the United Nations Environment Programme, the Commission on Sustainable Development and through the Conference of States Parties to the various international environment conventions. This would distract the Commission on Human Rights from its core activity of protecting human rights.

II. COMMENTS SUBMITTED BY UNITED NATIONS BODIES AND SPECIALIZED AGENCIES

A. United Nations Conference on Trade and Development

[2 September 1996]
[Original: English]

1. The United Nations Conference on Trade and Development (UNCTAD) stressed the fact that the draft principles contained in annex I of the Special Rapporteur's report touch upon areas of UNCTAD's work relevant to the draft provisions. Referring to principle 1: "Human rights, an ecologically sound environment, sustainable development and peace are interdependent and indivisible" and principle 24: "All international organizations are requested to observe the rights and duties in the draft declaration", UNCTAD pointed out that under its activities on the management of commodity resources and sustainable development, the organization is concerned with, inter alia, the right of all persons to meaningful participation in planning and decision-making with regard to the exploitation of natural resources and the impact of this activity on the environment and development, including the right to information for that end.

2. In this connection, UNCTAD used the example of a participatory framework for the exploitation of natural resources currently being elaborated. Within this context, a pilot project for the application of the framework was initiated in the Namaqualand region of South Africa at the beginning of 1996. Once refined and available, the framework could be applicable in other regions.

3. With regard to the right to information, UNCTAD is also in the process of establishing an international clearing house for information on natural resources management, with a special focus on issues concerning the environment and development. The clearing house would be freely accessible to all persons through UNCTAD's presence on the World Wide Web (Internet). Itwould also allow direct access to a wide range of information that is currently dispersed or hidden, without undue financial burden to the user.

B. Economic Commission for Europe

[5 November 1996]
[Original: English]

1. The Economic Commission for Europe (ECE) transmitted an explanatory memorandum submitted by Belgium to the ECE Working Group for the preparation of a draft convention on access to environmental information and public participation in environmental decision-making. Belgium considers the elaboration of such a convention as a unique opportunity to give due recognition to the human right to a healthy environment in a legally binding international instrument.

2. The inclusion of provisions to this effect in the ECE convention would support ongoing efforts of the United Nations human rights bodies to elaborate universal norms with respect to the right to environment. It would not interfere or preclude any parallel developments in other forums.

3. The recognition of the right to a healthy environment in the convention would add weight to the operative provisions for the implementation of the procedural rights of access to information, participation in decision-making and access to justice by strengthening the legal and philosophical underpinning of these rights. It would indicate that these procedural rights are not ends in themselves, but are meaningful as means towards the end of protecting the individual's substantive right to live in a healthy environment.

C. World Health Organization

[21 November 1996]
[Original: English]

1. The World Health Organization (WHO) is cognizant of the relevance of human rights to the protection of the human environment in general and to sustainable environmental policies in particular. WHO has formulated a new WHO Global Strategy for Health and Environment which was endorsed by the Forty-sixth World Health Assembly in May 1993. The Strategy provides a unifying framework for WHO's activities and has the following three goals: to

achieve a sustainable basis for health for all; to provide an environment that promotes health; and to make all individuals and organizations aware of their responsibility for health and its environmental basis.

2. A new programme component on women, health and environment was established within the Office of Global and Integrated Environmental Health. It seeks to integrate women's health and health-related rights as formulated by the Fourth World Conference on Women held in Beijing in September 1995.

3. Certain charters developed under the auspices of WHO, i.e. the Pan-American Charter on Health and Environment in Sustainable Human Development and the European Charter on Environment and Health, include a focus on aspects that are directly or indirectly related to human rights. Reference was also made to a publication, Environment and Health 1: Overview and Main European Issues, published in 1996, which was prepared jointly by WHO and the European Union.

III. COMMENTS SUBMITTED BY A REGIONAL ORGANIZATION

The League of Arab States

[5 September 1996]
[Original: Arabic]

Referring to the paramount importance of the environment and related issues, the League of Arab States emphasized the urgent need to study this issue and encourage endeavours to reach an international consensus concerning its various aspects and priorities. Efforts should be deployed to remedy man-made changes in the environment which have reached an alarming stage in some cases. The proposed measures to protect the environment include, inter alia, efforts to combat desertification and expand green areas as well as efforts to combat industrial pollution.

IV. COMMENTS SUBMITTED BY A NON-GOVERNMENTAL ORGANIZATION

Nigerian Environment Network

[22 October 1996]
[Original: English]

1. Concerning the "General provisions", the Nigerian Environment Network (NEN) questioned the efficacy of the Treaty of Moscow of 5 August 1963 Banning Nuclear Weapons Tests in the Atmosphere, in Outer Space and under Water and the Antarctic Treaty of 1 December 1959, since France was allowed to conduct several nuclear tests in July 1995.

2. In regard to transboundry pollution in Africa, NEN suggests that the organization, the Global Environment Facility (GEF) should act directly on behalf of local peoples and their environment and through NGOs. On the other hand, in order for NGOs to act, a simplification of the criteria for accreditation would be needed.

3. With respect to international human rights instruments, reference was made to article 24 of the African Charter on Human and Peoples' Rights stating that "All people shall have the right to a general satisfactory environment favourable to their development." According to NEN, this statement did not take into consideration the reality of life on the African continent. Several examples were used in support of this assessment, proving that individual fundamental rights cannot be guaranteed: the rights of the child, the rights of women, civil and political rights, as well as the rights of migrant workers.

4. In its comments on chapter II, "Right to development, participatory democracy and the environment", NEN affirms that despite all the international proclamations and declarations, there is a divisibility and dependence of human rights, at least in Africa.

5. The relationship between the environment and international peace and security is vague; a relationship of the environment to the economic situations of countries may be more relevant.

6. On chapter IV, "Environmental degradation and its impact on vulnerable groups", climate changes, deforestation and woodstripping, biological diversity, pollution and discharge of toxic and dangerous products were used as examples to show their connection to ailing economies.

7. Within this context, the report suggests that all citizens of the African continent and surrounding islands should be referred to as vulnerable groups because of their economic status.

8. Finally, NEN does not consider the examples given in chapter V of the report, "Analysis of the effects of the environment on the enjoyment of fundamental rights", as being illustrative and exhaustive since they do not correspond to realities in Africa, Latin America or Asia.